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## **Advisory Opinion 08-035**

This is an opinion of the Commissioner of Administration issued pursuant to Minnesota Statutes, section 13.072 (2008). It is based on the facts and information available to the Commissioner as described below.

### **Facts and Procedural History:**

On October 23, 2008, the Information Policy Analysis Division (IPAD), received a letter, dated October 20, 2008, from Ted Dooley, an attorney, on behalf of his client, "X." In his letter, Mr. Dooley asked the Commissioner to issue an advisory opinion regarding X's right to have access to certain data the Ramsey County Sheriff's Office maintains. IPAD requested additional information, which Mr. Dooley provided on November 7, 2008.

IPAD, on behalf of the Commissioner, wrote to Sheriff Bob Fletcher, in response to Mr. Dooley's request. The purposes of this letter, dated November 10, 2008, were to inform him of Mr. Dooley's request and to ask him to provide information or support for the Sheriff's Office's position. The Sheriff's Office did not submit a response.

A summary of the facts according to Mr. Dooley follows. In a letter dated October 3, 2008, Mr. Dooley, on behalf of X and with X's written consent, wrote to Sheriff Fletcher and requested access to all data of which X is the subject. Mr. Dooley also asked the Sheriff's Office, if it were to withhold any data about X, to confirm the existence and classification, and provide the "lawful basis for the classification," of any such data.

According to Mr. Dooley, "[o]n or about 14 October 2008, [Sheriff's Office staff] left a voice mail informing us that Ramsey County would not respond to [X's data] request. We have received no other communication from Ramsey County with respect to [X's] Data Practices Act request. Ten (10) business days have passed."

### **Issue:**

Based on Mr. Dooley's request, the Commissioner will address the following issue:

Did the Ramsey County Sheriff's Office comply with Minnesota Statutes, Chapter 13, regarding an October 3, 2008, request for data?

### **Discussion:**

Pursuant to Minnesota Statutes, section 13.03, government data are public unless otherwise classified. Individual data subjects may gain access to all public and private data an entity

maintains about them, but may not have access to confidential data about them. (See Minnesota Statutes, section 13.02, subdivisions 3, 8 and 12, and section 13.04.)

Pursuant to Minnesota Statutes, section 13.04, subdivision 3, when asked, a responsible authority or designee shall inform an individual data subject whether s/he is the subject of stored data on individuals, how the data are classified (public, private or confidential), and shall provide copies of the private or public data upon request.

When an individual requests access to government data of which s/he is the subject, the government entity must respond within ten working days.

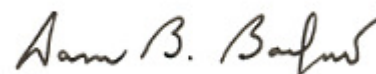
On October 3, 2008, Mr. Dooley asked for access to any and all data the Sheriff's Office maintains about X. Pursuant to section 13.04, the Sheriff's Office was obligated to respond, within ten working days, and 1) inform X that it does not maintain any data about her/him; or 2) provide access to all public and private data about X, and/or 3) inform X that it maintains confidential data about her/him, and state the specific statutory section that so classifies those data.

**Opinion:**

Based on the facts and information provided, my opinion on the issue that Mr. Dooley raised is as follows:

The Ramsey County Sheriff's Office did not comply with Minnesota Statutes, Chapter 13, regarding an October 3, 2008, request for data.

Signed:



Dana B. Badgerow  
Commissioner

Dated:

December 16, 2008